

DISSENTING POSITION STATEMENT OF THE MICHIGAN COURT OF APPEALS  
REGARDING THE SCAO REPORT OF JULY 13, 2007

In 2005 the Judges of the Court of Appeals discussed whether in severe and dire financial times the Court should consider asking the Legislature to reduce through attrition the number of judges on the Court from 28 to 24, and returning to the Court the resources that supported the eliminated judicial seats. This would allow the Court to better support the remaining judges while continuing to efficiently provide essential services to the people of Michigan. The members of the Court vigorously debated the pros and cons of such action. The Court did not resolve in 2005 whether a reduction in the number of judges is a viable or preferred method of addressing a budget crisis, and the issue has not been addressed by the Court of Appeals since that time.

It is the view of some judges in the Michigan Court of Appeals that the Court ought not support or oppose the SCAO report at this time. There are numerous Constitutional, statutory, factual and budgetary issues that merit thorough examination. We look forward to discussing these important issues with the Governor, Justices of the Michigan Supreme Court, members of the Legislature and the State Bar of Michigan in the months ahead.

Brian K. Zahra  
Chief Judge Pro Tem

Richard A. Bandstra  
Kurtis T. Wilder  
Christopher M. Murray  
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